

KENTUCKY HEALTH BENEFIT EXCHANGE ADVISORY BOARD

NAVIGATOR/AGENT SUBCOMMITTEE

Meeting Minutes

February 21, 2013

Call to Order and Roll Call

The fifth meeting of the Navigator/Agent Subcommittee was held on Thursday, February 21, 2013 at 1:30 p.m. in the Small Conference Room at the Office of the Kentucky Health Benefit Exchange. Marcus Woodward, Chair, called the meeting to order at 1:30 p.m., and the Secretary called the roll.

Subcommittee Members Present: Given Marcus Woodward, Chair; David H. Allgood, George L. “Chip” Atkins, III, Carl Felix, Frances Feltner (by phone), Jim Lawless, Stacy Pruden (by phone), Jack Tilliam, Kennan Wethington (by phone). Jan Day, Carl Felix, Josie L. Hollon, John Kiebler, Don Mucci, Dr. Payne, and Tihisha Rawlins were not present at the meeting.

Staff Present: Jean Klinge, Carrie Kulmer, William Nold, Brenda Parker, Sherilyn Redmon, Melea Rivera, Brian Staples (DOI), and Maggie Woods (DOI).

Approval of Minutes

A motion was made to accept the minutes of the January 10, 2013, meeting, seconded, and approved by voice vote.

Update on Navigator/In-Person Assister Program Planning

Deloitte staff updated the subcommittee members regarding various data sources that were suggested regarding prose level literacy, seasonal employment, and mental health related data. The data was collected by county and may be aggregated to regional levels.

Exchange Implementation Update

William Nold, Deputy Executive Director, Office of the Kentucky Health Benefit Exchange (KHBE), briefed the subcommittee on a meeting held in West Virginia with other states to discuss items or materials that could be shared between the states as they work to implement their health benefit exchanges. The meeting provided an opportunity for networking and considering lessons learned by each state. Mr. Nold stated that Kentucky was well positioned to meet the start date of Oct 1, 2013.

Navigators, Agents, and In-Person Assisters (IPA)

Members reviewed the proposed Medicaid regulation relating to Certified Application Counselors (CAC). It is unclear if CACs are volunteers, or if they are paid staff that works in hospitals or other similar facilities. There is some history of similar counselors or social workers at hospitals. Those individuals may already fit this category of CAC. The KHBE will need to consider this regulation as it considers additional responsibilities, powers, or permissions, and training for the CACs. The funding for In-Person Assisters (IPA) is provided through Section 1311 dollars, which are available through the end of 2014. This funding could be used for the training or payment of IPAs and CACs. If an individual currently works as an application

assister at a hospital, then most likely that individual is paid by the hospital. It is believed that individual would continue to be paid by the hospital. To be a CAC, the individual must be a staff member or volunteer of an Exchange-designed organization. It is unclear if a Navigator entity could have a Certified Application Counselor on staff too.

Based on the current amendment to the Exchange regulations, the KHBE believes that training should be standard across all assisters—agents, Navigators, IPAs, and CACs. Agents could receive continuing education credit for the Exchange training if the Department of Insurance (DOI) adopts the training in regulation, or if the KHBE applies for the training to receive continuing education credit. The DOI has the final authority over agents and continuing education. The Agent Workgroup did recommend some training criteria. At this time, the U.S. Department of Health and Human Services has not provided information regarding any ongoing training requirements in the Federally-facilitated Exchange (FFE).

Chairman Woodward expressed concern that there is confusion over the roles of Navigators, IPAs, and CACs and requested that a white paper be prepared to explain the roles and responsibilities, including accountability and any penalties, of each entity.

Since some of the population coming into the Exchange may not have had access to health insurance or Medicaid before, it is believed that these customers may need more guidance or help with enrollment. Agents have errors and omissions (E&O) insurance that can be used in the event that the agent misguides and harms a customer. The KHBE will contract with entities for Navigators and IPAs and would hope that the entity will obtain E&O insurance. However, due to the language in the federal regulation, the KHBE cannot require E&O coverage. Penalties will be included in the contract with the entities, including revocation of certification and defunding the entity. Additionally, if an individual were acting as an agent, then the DOI could take action.

Since Navigators cannot be funded through federal funds, the grants must be part of the KHBE's sustainability plan. In 2015, the Exchange must be self-sufficient. Options for funding the KHBE include using the current assessment for the Kentucky Access program and tobacco settlement funds. Some states are considering offering other products on the Exchange system such as long term care insurance, charging a user fee with non-qualified health plan products, and providing advertisement space.

Training Options

The subcommittee recommended that any training for agents, Certified Application Counselors, In-Person Assisters, and Navigators should be coordinated to the extent possible to provide uniformity and ensure the proficiency of these entities. The subcommittee further recommended that the Exchange cooperate with the Department of Insurance to adjust any Exchange training content to remove any areas considered non-essential for agents due to existing licensure or training standards.

Other Business

Chip Atkins expressed concerns regarding referrals. All four types of assister entities would need some ethics information, including conflicts of interest. This information would need to be in the contract or participation agreements.

The Center for Consumer Information and Insurance Oversight provided information to the KHBE regarding the application of the conflict of interest standard to potential Navigator entities such as the Chamber of Commerce. If an insurer or insurance agency is a member of the entity, the entity may still apply if the entity shows a way to exclude the insurance member from all Navigator activities. There is a clear conflict of interest standard in the law for Navigators, but there is not a clear standard for IPAs or CACs.

Navigators, IPAs and CACs will need to be trained to assist individuals with limited English proficiency and those needing special assistance. The KHBE information technology system would like to have the ability to capture agents or assisters who speak another language. The KHBE Contact Center will have the ability to facilitate communication in over 160 languages.

The next meeting of the subcommittee is scheduled for 1:30 p.m., on Thursday, March 21, 2013, at the Office of the Kentucky Health Benefit Exchange.

Adjournment

The meeting was adjourned at 3:00 p.m.